IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 2026 of 2002

DATED:5 .1.2007

Between:

Md Aabid Ali & others petitioners

And

A.P.Transco,
Rep by its Managing Director,
Vidyut Soudha, Hyderabad & ors Respondents

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THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ petition no. 2026 of 2002

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Oral order:

The present writ petition is filed seeking a direction to the respondents to absorb the petitioners in terms of B.P.Ms.No. 36 dated 18.5.1997.

The relief of absorption/regularization claimed by the petitioners in the present writ petition, having regard to the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**[1], cannot be granted. In the said judgment, the apex Court held that the determination of the questions as to whether the contract of employment of labour is a genuine one or a mere ruse/camouflage to evade the provisions of beneficial labour legislation, require inquiry into disputed questions of facts, which cannot conveniently be made by the High Courts in exercise of their jurisdiction under Article 226 of the Constitution, and the appropriate authority to go into those issues was the Industrial Tribunal/Court whose determination will be amenable to judicial review. Since the present writ petitions also raise similar disputed questions of fact, as contended by the learned Standing Counsel for the respondents, having regard to the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**, they are not maintainable, and the remedy of the petitioners is to approach the labour authorities under the Industrial Disputes Act, 1947 for the relief of absorption/regularization.

Following the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**, a learned single Judge of this Court disposed of a batch of similar writ petitions in W.P. No. 16865 of 1991, by judgment dated 27.09.2002, granting liberty to the petitioners to approach the labour authorities under the Industrial

Disputes Act, 1947 for the relief of absorption/regularization. In fact, following the said judgment, other learned Judges of this Court, disposed of several batch of writ petitions with similar directions.

In the circumstances, following the aforesaid judgment and for the reasons mentioned therein, I deem it appropriate to dispose of this writ petition with the following directions:

The petitioners are at liberty to approach the labour authorities under the Industrial Disputes Act, 1947 for the relief of absorption/regularization of their services with the respondents.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Dated: 5.1.2007

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THE HON'BLE MR JUSTICE N.V. RAMANA

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[1] 2001 (6) ALD 1